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13. ABSTRACT (Maximum 200 Words) This Instruction implements policy, assigns responsibilities and prescribes procedures for enrollment in the DDESS Arrangements operated by the Department of Defense in accordance with section 2164 of title 10, United States Code, and DoD Directive 1342.21.			
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Department of Defense INSTRUCTION

March 4, 1997
NUMBER 1342.26

ASD(FMP)

SUBJECT: Eligibility Requirements for Minor Dependents to Attend Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS)

References: (a) Section 2164 of title 10, United States Code
(b) DoD Directive 1342.21, "Department of Defense Section 6 Schools,"
October 13, 1992
(c) Section 2103 of title 5, United States Code

A. PURPOSE

This Instruction implements policy, assigns responsibilities and prescribes procedures for enrollment in the DDESS Arrangements operated by the Department of Defense in accordance with references (a) and (b).

B. APPLICABILITY AND SCOPE

This Instruction applies to:

1. The Office of the Secretary of Defense, the Military Departments (including the Coast Guard when operating as a Service of the Department of the Navy or by agreement with the Department of Transportation), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Uniformed Services University of the Health Sciences, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components."

2. The DoD DDESS Arrangements operated by the Department of Defense within the continental United States (CONUS), Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

3. Students enrolled or seeking to enroll in the DoD DDESS Arrangements and their parents.

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 1.

D. POLICY

It is DoD policy that DDESS Arrangements are operated under authority of reference (a).

Enrollment is limited to eligible children of military members and civilian employees of the Federal Government, as determined by the Secretary of Defense.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Force Management Policy, under the Under Secretary of Defense for Personnel and Readiness, shall:

a. Monitor compliance with this Instruction.

b. Ensure that the Director, DoD Education Activity (DoDEA), or designee:

(1) Monitors implementation of and compliance with this Instruction; and,

(2) Ensures that the Superintendents of the DoD DDESS Arrangements allow only those students authorized by this Instruction to enroll within their school systems.

2. The Heads of the DoD Components shall comply with this Instruction.

F. PROCEDURES

1. The DDESS Arrangements within CONUS, Alaska, and Hawaii shall:

a. Provide a tuition-free education for the dependent children of military members and civilian employees of the Department of Defense occupying permanent living quarters for any part of the school year on any military installation served by a DDESS Arrangement.

b. Ensure that application for admission and eligibility for enrollment occur in compliance with subsection F.3., below.

2. The DDESS Arrangements within territories, possessions and commonwealths of the United States shall:

a. Provide a tuition-free education at an installation served by a DDESS Arrangement for dependent children of the following:

(1) Military members on active duty assigned permanent living quarters on a military installation in the territory or possession.

(2) Civilian employees of the Federal Government assigned permanent living quarters on a military installation in the territory or possession.

b. Provide a tuition-free education at an installation served by a DDESS Arrangement for the dependent children of the following personnel who reside in a territory, possession or commonwealth of the United States, when there is space available, as determined by the

Secretary of Defense. Space available will be allotted to dependents of listed personnel in the following order of priority:

(1) Military members on active duty, stationed or homeported in a territory, possession or commonwealth and not residing in permanent quarters on a military installation.

(2) Full-time civilian employees of the Federal Government, not residing in permanent quarters on a military installation residing in a territory, possession or commonwealth, who are subject by policy and practice to transfer or reassignment to a location where English is the language of instruction in the schools normally attended by dependent children of Federal personnel. Dependents under this category may not be enrolled in the DDESS Arrangement for more than 5 consecutive school years, unless the Secretary of Defense for good cause extends the period, or admission is granted based on eligibility under subparagraph F.2.b.(3) below.

(3) Full-time, permanent, professional excepted service employees of the DDESS Arrangement within a territory, possession or commonwealth not residing in permanent quarters on a military installation.

c. Ensure that application for admission and determination of dependent eligibility occur in compliance with subsection F.3., below.

3. Procedures for Application and Enrollment

a. Application for enrollment in a DDESS Arrangement shall be made to the Office of Superintendent for the school to which admission is sought. The military member or civilian employee sponsoring the child must provide proof of status upon which the requested admission is based. The DDESS Arrangement reserves the right to request additional information, should it be deemed necessary to make a determination of eligibility.

b. Eligibility under subsection F.1. or paragraph F.2.a., above, must be established by one of the following:

(1) Actual residence in permanent quarters on a military installation served by the DDESS Arrangement; or,

(2) Written affirmation provided by the installation family housing manager that the dependent's sponsor has applied for and will be able to occupy permanent quarters on the military installation within 90 school days after the sponsor reports to the new duty station. If enrollment occurs based upon this subparagraph, failure of the sponsor to accept permanent quarters on the military installation when available and offered shall end the child's eligibility to attend the DDESS Arrangement.

c. Eligibility under subparagraph F.2.b.(1), above, will be based upon the permanent duty station to which the military sponsor is assigned by official orders.

d. Eligibility under subparagraph F.2.b.(2), above, shall be established as follows:

(1) The agency employing the civilian sponsor shall provide a written statement confirming the sponsor's position meets the eligibility requirements;

(2) The written statement shall be signed by the agency's Director of Personnel or principal administrative officer at its main headquarters office.

(3) The agency confirmation of the civilian sponsor's status shall be received no later than May 15 for enrollment at the beginning of the following school year. Agency confirmation of the status of civilian sponsors assigned after May 15 shall be accepted at any time during the school year.

e. A request for waiver of the 5-year limit on attending a DDESS Arrangement, as authorized by subparagraph F.2.b.(2) above, shall be submitted in writing to the Office of the Superintendent of the appropriate DDESS Arrangement by the main headquarters of the agency employing the sponsor. The request must be made before the start of the school year for which the waiver is requested and shall provide information showing that in the interest of the dependent's educational well-being, good cause exists for granting the waiver.

f. The Secretary of Defense has delegated authority to make determinations of eligibility to the Director, DoDEA. Decisions by the Director, DoDEA, on requests to enroll dependents in DDESS Arrangements under this Instruction are final. The Director, DoDEA, may redelegate this authority to a designee.

g. If the status of the sponsor of a currently enrolled student changes so that the child would no longer be eligible for enrollment in a DDESS Arrangement, enrollment may continue for the remainder of the school year.

G. EFFECTIVE DATE

This Instruction is effective immediately.



F. Pang
Assistant Secretary of Defense
(Force Management Policy)

Enclosure
Definitions

DEFINITIONS

1. Arrangements. Actions taken by the Secretary of Defense to provide a free public education to dependent children of military members and civilian employees of the Federal Government under 10 U.S.C. 2164 (reference (a)), through either DoD DDESS Arrangements or DoD DDESS Special Arrangements.

a. DDESS Arrangement. A school operated by the Department of Defense under reference (a), and DoD Directive 1342.21 (reference (b)) to provide a free public education for eligible children.

b. DDESS Special Arrangement. An agreement, under reference (a), between the Secretary of Defense, or designee, and a local public education agency whereby a school or a school system operated by the local public education agency provides educational services to eligible dependent children of U.S. military personnel and federally employed civilian personnel. Arrangements result in partial or total Federal funding to the local public education agency for the educational services provided.

2. IN LOCO PARENTIS. In the place or position of a parent. An IN LOCO PARENTIS relationship is one in which a person takes on the role of lawful parent by assuming the obligations and discharging the duties of a parent without going through a formal adoption process.

3. Parent. The biological father or mother of a child when parental rights have not been legally terminated; a person who, by order of a court of competent jurisdiction, has been declared the father or mother of a child by adoption; the legal guardian of a child; or, a person in whose household a child resides, provided that such person stands IN LOCO PARENTIS to that child and contributes at least one-half of the child's support.

4. Permanent Excepted Service Professional Employee. An excepted service employee (as defined in 5 U.S.C. 2103 (reference (c))) who holds a valid license or certificate from a governmental agency or professional body attesting to professional proficiency or knowledge (e.g., teacher, counselor, school administrator, nurse, professional engineer, and speech pathologist).

5. Space Available. Pupil accommodations that may be made available in DoD DDESS Arrangements if the Director, DoD DDESS, or designee, determines that a school has adequate staff, facilities, and other resources to permit the enrollment of students other than those entitled to enrollment under this Instruction.